AMENDED IN SENATE JUNE 5, 1997 AMENDED IN ASSEMBLY MAY 1, 1997

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 1086

Introduced by Assembly Members Mazzoni, Baldwin, and Pacheco

February 27, 1997

An act to amend Sections 44755 and 44757 of, to amend the heading of Chapter 3.45 (commencing with Section 44755) of Part 25 of, and to add Sections 44757.1, 44757.2, 44757.3, 44757.4, and 44757.5 to, to add Chapter 3.46 (commencing with Section 44758) to Part 25 of, and to repeal Section 44756 of, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1086, as amended, Mazzoni. Reading instruction: grades 4 to 8, inclusive.

Existing law establishes a program to provide each certificated teacher of pupils enrolled in kindergarten and grades 1 to 3, inclusive, with the knowledge and skills necessary to effectively teach pupils to read. The State Department of Education is required to allocate funds appropriated for that program to each school district on the basis of an equal amount per pupil in enrollment statewide in kindergarten and grades 1 to 3, inclusive, as of October 1996. As a condition to receiving funds for that program, each school district must certify, among other things, that not less than

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90% of its certificated employees who provide direct instructional services to pupils enrolled in kindergarten or any of grades 1 to 3, inclusive, have received specified inservice training and that funds will be spent by the school district only for the purposes of providing inservice training in reading instruction in the 1996–97 school year.

This bill would repeal most of the existing conditions to receive funding and replace those conditions with new conditions that would include, that funds received pursuant to the program shall be expended only for the purposes of providing programs of inservice training in reading instruction that consist of, and are limited to, specified subjects, as defined, that all teachers of pupils in those grades have received or will receive the training, and that funds received for these purposes shall be spent only for programs of inservice training that do not cause a reduction in pupil instructional time and that do not include teacher release time.

The bill would require the State Board of Education to develop a list of approved providers of inservice training in reading instruction. The bill would require the State Department of Education to provide staff support for that purpose. The bill would provide that any person or entity that seeks to appear on the list of providers of inservice training in reading instruction shall submit an application, as specified. The bill would require the board to establish by regulation, procedures and criteria for the approval of providers of inservice training in reading instruction. The bill would authorize a school district to provide inservice training in reading instruction to its employees using its own employees as instructors if certain conditions are met.

This bill would require the State Department of Education to allocate amounts appropriated for purposes of that program on the basis of an equal amount per pupil in enrollment statewide in kindergarten and grades 1 to 3, inclusive, in the year for which funds are appropriated Superintendent of Public Instruction to administer the grant application process and would provide that the maximum grant awarded to a school district shall not exceed the total amount of funding provided for the purposes of this program

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in any fiscal year divided by the number of pupils enrolled statewide in kindergarten and grades 1 to 3, inclusive, in that fiscal year, multiplied by the number of pupils enrolled in the school district in those grades. The bill would eliminate the limitation of expenditure of funds to the 1996–97 school year.

This bill would also establish a teacher reading instruction development program for grades 4 to 8, inclusive. The bill would provide that funds received pursuant to the program shall be expended only for the purposes of providing programs of inservice training in reading instruction that consist of, and are limited to, specified subjects, as defined, that all teachers of pupils in those grades have received or will receive the training, and that funds received for these purposes shall be spent only for programs of inservice training that do not cause a reduction in pupil instructional time and that do not include teacher release time.

The bill would require the State Board of Education to develop a list of approved providers of inservice training in reading instruction. The bill would require the Department of Education to provide staff support for that purpose. The bill would provide that any person or entity that seeks to appear on the list of providers of inservice training in reading instruction shall submit an application, as specified. The bill would require the board to establish by regulation, procedures and criteria for the approval of providers of inservice training in reading instruction. The bill would authorize a school district to provide inservice training in reading instruction to its employees using its own employees as instructors if certain conditions are met. The bill would require each school district that receives funding pursuant to these provisions and provides instruction in departmentalized classes for pupils in grades 4 to 8, inclusive, to designate those teachers in each school and at each grade level who are responsible for teaching reading to pupils who have reading deficiencies, or who provide direct instructional services to pupils in reading.

The bill would require the Superintendent of Public Instruction to administer the grant application process and would provide that the maximum grant awarded to a school district shall not exceed the total amount of funding provided

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for the purposes of this program in any fiscal year divided by the number of pupils enrolled statewide in grades 4 to 8, inclusive, in that fiscal year, multiplied by the number of pupils enrolled in the school district in those grades. The State Department of Education would be required to allocate the amounts appropriated for that program on the basis of an equal amount per pupil in enrollment statewide in grades 4 to 8, inclusive, in the year for which the funds were appropriated. As a condition to receiving funds for that program, school districts would be required to certify certain information to the State Department of Education, including, among other things, that not less than 85% of its certificated employees who provide direct instructional services to pupils enrolled in grades 4 to 8, inclusive, in reading, English-language arts, or any other subject area in which reading is taught, have received specified inservice training and that the school district will develop an agenda that provides for a program of inservice training in reading instruction, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 3.45 2 (commencing with Section 44755) of Part 25 of the 3 Education Code is amended to read:

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Chapter 3.45. Teacher Reading Instruction Development Program: Kindergarten and Grades 1 to 3, Inclusive

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SEC. 2. Section 44755 of the Education Code is amended to read:

44755. (a) It is the intent of the Legislature that each certificated teacher of pupils enrolled in kindergarten and grades 1 to 3, inclusive, possess the knowledge and skills to effectively teach pupils to read.

15 (b) The State Department of Education shall allocate 16 the amounts appropriated for the purposes of this chapter **—5— AB 1086**

to each eligible school district on the basis of an equal amount per pupil in enrollment statewide in kindergarten and grades 1 to 3, inclusive, as of October in 3 4 the year for which the funds are appropriated.

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- (b) For the purpose of this chapter the term "school district" means school districts and county offices of education.
- 9 SEC. 3. Section 44756 of the Education Code is 10 repealed.
- 44756. To be eligible for funds pursuant to this chapter, a school district shall certify to the State Department of Education that not less than 90 percent of 14 its certificated employees who provide direct instructional services to pupils enrolled in kindergarten 16 or any of grades 1 to 3, inclusive, have received the type of inservice training described in subdivision (b) of Section 44757 and that the provision of that inservice training did not cause a reduction in pupil instruction time.
- 21 SEC. 4. Section 44757 of the Education Code is 22 amended to read:
- 44757. A school district shall certify to the State 24 Department of Education all of the following, as a condition to receiving funding pursuant to this chapter:
 - (a) That funds received pursuant to this chapter shall be spent by school districts only for the purpose of providing inservice training in reading instruction to certificated employees who provide direct instructional services to pupils enrolled in kindergarten or any of grades 1 to 3, inclusive, and to schoolsite administrators.
- (b) That funds received pursuant to this chapter for teachers of pupils enrolled in kindergarten and any of grades 1 to 3, inclusive, shall be expended for only for the purpose of providing programs of inservice training 36 programs in reading instruction that address 37 systematically explicit phonics instruction, phonemic 38 awareness, sound-symbol relationship, decoding, 39 word-attack skills, spelling instruction, diagnosis of reading deficiencies, research on how children learn to

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read, research on how proficient readers read, the structure of the English language, relationships between reading, writing, and spelling, planning and delivery of appropriate reading instruction based on assessment and evaluation, and independent pupil reading of high quality books and the relationship of that reading to improved reading performance.

- (c) That the school district will develop an action agenda that provides for a program of inservice training in reading instruction for all certificated employees in the school district who provide direct instructional services to pupils in kindergarten, or grades 1 to 3, inclusive. In that action agenda, the school district shall, to the extent feasible and appropriate, use:
- (1) Staff development days authorized pursuant to Section 44670.6.
- (2) Staff development funds available from all state and federal funding sources.
- (3) Inservice training provided by publishers of reading program instructional materials adopted by the State Board of Education in 1996.
 - (4) A clinical diagnostic teacher training approach.
- (5) Involvement of the parents and guardians of pupils enrolled in the school district.
- (d) That inservice training provided pursuant to this section shall be coordinated and integrated with any inservice training in reading instruction funded by amounts received pursuant to the federal Goals 2000: Education America Act (P.L. 103-227) for the 1995-96 fiscal year.
- 31 SEC. 4. training in reading instruction that consist of, 32 and are limited to, all of the following subjects:
 - (1) Phoneme awareness instruction.
 - (2) Systematic explicit phonics instruction.
- 35 (3) Decoding instruction and the diagnosis of a pupil's ability to decode.
- 37 (4) Spelling and vocabulary instruction.
- 38 (5) Direct instruction of comprehension skills.
- 39 (6) Research on how reading skills are acquired.

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(c) That all teachers of pupils in kindergarten and grades 1 to 3, inclusive, have received or will receive the training provided pursuant to this chapter.

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- (d) That funds received by school districts for the 5 purposes of this chapter that are expended for contract 6 providers of training shall be spent only for providers of inservice training that have been approved by the State Board of Education pursuant to Section 44757.1.
- (e) That a school district using its own employees to 10 provide the training described in subdivision (b) to its employees meets the requirements of Section 44757.2.
- (f) That funds received for the purposes of this chapter 14 shall be spent only for programs of inservice training that do not cause a reduction in pupil instructional time and 16 that do not include teacher release time.
- SEC. 5. Section 44757.1 is added to the Education 17 18 Code, to read:
- 44757.1. (a) The State Board of Education shall develop a list of providers of inservice training in reading instruction that have been approved by the board 22 pursuant to this section. The State Department 23 Education shall provide staff support to the board in carrying out its responsibilities pursuant to this section.
- (b) Any person, or public, private, or private nonprofit 26 entity, that seeks to appear on the list of providers of inservice training in reading instruction that may be hired by a school district pursuant to this chapter, shall submit an application to the board that includes the 30 curricula of the program to provide the training described in subdivision (b) of Section 44757, in the time and manner required by the board. The board shall approve or disapprove all applications within 45 working 34 days of receipt of the application. The board shall state the 35 reasons for disapproving any application 36 pursuant to this paragraph and any decision of the board shall be based upon the criteria published pursuant to subdivision (c).
- (c) The board shall establish by regulation, procedures 39 and criteria for the approval of providers of inservice

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in reading instruction training that themeet requirements of subdivision (b) of Section 44757.

- (d) The board shall maintain, update regularly, and make available to school districts through print and electronic media a list of providers of inservice training 6 in reading instruction that have been approved by the board pursuant to this section.
- 8 (e) The board may assess a fee, not to exceed the cost 9 of the approval process, for persons and entities 10 submitting an application for approval of an inservice training program in reading instruction pursuant to this 12 section.
- 13 (f) The board may audit and study the effectiveness of 14 any program of inservice training provided pursuant to 15 this chapter.
- SEC. 6. Section 44757.2 is added to the Education 16 17 Code, to read:
- 18 44757.2. A school district may provide inservice 19 training in reading instruction to its employees using its own employees as instructors pursuant to this chapter provided the following conditions are met:
- (a) The program of inservice training meets 23 requirements of subdivision (b) of Section 44757 and the 24 district has incorporated into its program the appropriate 25 and relevant materials developed pursuant to Chapter 15 (commencing with Section 53000) of Part 28.
- (b) The program of inservice training meets the 28 requirements of subdivisions (a), (c), (e), and (f) of *Section* 44757.
- SEC. 7. Section 44757.3 is added to the Education 30 31 Code, to read:
- 44757.3. The Superintendent of Public Instruction 32 shall administer the grant application process. School district applications shall include the following: 34
- 35 (a) Certification by the governing board that the 36 requirements of Sections 44757 and 44757.2 shall be met.
- (b) Certification by the governing board of the school 37 38 district that the district is implementing a balanced, comprehensive reading instruction program as described

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in the Reading Program Advisory, Teaching Reading, adopted by the State Board of Education in 1996.

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- (c) A description of how the school district shall address the following:
- (1) Augmentation of resources for reading instruction staff development through the use of staff development days authorized pursuant to Section 44670.6.
- (2) Augmentation of resources for reading instruction staff development through the use of funds available from other state and federal sources.
- (3) Augmentation of resources for reading instruction staff development through the use of training provided by publishers that address the subjects contained in subdivision (b) of Section 44757.
- (4) Use of a clinical diagnostic teacher training 16 approach.
- 17 (5) Involvement of the parents and guardians of pupils 18 enrolled in the school district.
 - SEC. 8. Section 44757.4 is added to the Education Code, to read:
- 44757.4. (a) The *Superintendent* of Public 22 Instruction shall award grants to school districts only for 23 the highest quality proposals that demonstrate a clear 24 understanding of a balanced, comprehensive reading instruction program based on current and confirmed research.
 - (b) The maximum grant awarded to a school district *shall not exceed the product of the following:*
 - (1) The total amount of funding provided in the annual Budget Act or in any other act for the purposes of this chapter in any fiscal year divided by the number of pupils enrolled statewide in kindergarten and grades 1 to *3, inclusive, in that fiscal year.*
 - (2) The number of pupils enrolled in the school district in kindergarten and grades 1 to 3, inclusive.
- 36 (c) For purposes of this section, enrollment shall be the enrollment determined in October of the fiscal year 37 for which the funds are appropriated. 38
- SEC. 9. Section 44757.5 is added to the Education 39 40 Code, to read:

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1 44757.5. For the purposes of this chapter, the following definitions shall apply:

- (a) "Phoneme awareness instruction" means teaching awareness of words, syllables, and phonemes along a 5 developmental progression, and includes rhyming, 6 recognition and production, blending and matching of phonemes, and segmentation, substitution, and elision of phonemes.
- 9 (b) "Systematic explicit phonics instruction" means 10 an organized, sequential program in which letter-sound correspondence for letters and letter clusters are directly taught and blended, practiced in words, word lists, and 12 13 word families, and practiced in "decodable text." 14 "Decodable text" means reading material in which a high 15 percentage of words are linked to phonics lessons. 16 Systematic explicit phonics instruction builds from basic 17 elements to complex patterns and teachers provide explicit feedback. 18 prompt and Systematic explicit 19 phonics instruction does not mean "embedded phonics 20 instruction" which is ad hoc instruction in phonics based on a random selection of sound and word elements. 21
- (c) "Decoding instruction" means teaching how to 23 read printed words fluently and automatically, from 24 simple letter combinations to more complex, 25 multisyllabic combinations through the use of connected 26 or practice text.
- (d) "Diagnosis of a pupil's ability to decode" means 28 regularly assessing the pupil's mastery recognition, fluency and automaticity, and word analysis 30 in order to plan future instructional activities.
- (e) "Direct instruction" means explicit, systematic 32 teaching of skills.
- (f) "Spelling instruction" means teaching a logical 34 scope and sequence of word knowledge, orthographic 35 patterns, and frequently used words connected to the 36 phonics sequence used in reading and writing instruction.
- (g) "Vocabulary instruction" means teaching word 38 *meanings*.
- (h) "Instruction of comprehension skills" 39 means 40 systematic teaching of vocabulary development,

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organization, and syntactic patterns, including, but not limited to, strategies for interpretation, summarization, prediction, clarification, and question generation.

- (i) "Research on how reading skills are acquired" means research that is current and confirmed with generalizable and replicable results.
- 10. Chapter 3.46 (commencing with Section 44758) is added to Part 25 of the Education Code, to read:

Chapter 3.46. Teacher Reading Instruction DEVELOPMENT PROGRAM: GRADES 4 TO 8, INCLUSIVE

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- 44758. (a) It is the intent of the Legislature that each certificated employee who provides direct instructional services to pupils enrolled in grades 4 to 8, inclusive, in reading, English-language arts, or any other subject in which reading is taught, possess the knowledge and skills reading or English-language arts possess the knowledge and skills necessary to effectively teach pupils to read.
- (b) The State Department of Education shall allocate the amounts appropriated for the purposes of this chapter to each eligible school district on the basis of an equal amount per pupil in enrollment statewide in grades 4 to 8, inclusive, in the fiscal year in which the funds are appropriated.

(e)

- (b) For the purposes of the chapter, the term "school districts" means school districts and county offices of education.
- 44759. As a condition to receiving funds pursuant to this chapter, a school district shall certify to the State Department of Education all of the following:
- (a) That not less than 85 percent of the certificated employees who provide direct instructional services to pupils enrolled in grades 4 to 8, inclusive, in reading, 36 English-language arts, or any other subject area in which reading is taught, have received the inservice training 38 described in subdivision (c) and that the provision of that inservice training did not cause a reduction in pupil instruction time.

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(a) That funds received pursuant to this chapter are expended only for the purpose of providing inservice training in reading instruction to certificated employees who provide direct instructional services in reading, English-language arts, or any other subject area in which 6 reading is taught to pupils enrolled in grades 4 to 8, or English-language arts to pupils enrolled in grades 4 to 8, inclusive, and to schoolsite administrators.

- (b) That funds received pursuant to this chapter for inservice training of certificated employees who provide direct instructional services in reading, English-language 14 arts, or any other subject area in which reading is taught to pupils enrolled in any of grades 4 to 16 English-language arts to pupils enrolled in any of grades 4 to 8, inclusive, shall be expended for only for the purpose 18 of providing programs of inservice training programs in reading instruction that address the subject areas listed in 20 subdivision (b) of Section 44757 in addition to areas of reading study appropriate for grades 4 to 8, inclusive, including, but not limited to, vocabulary development, subject matter reading, and reading comprehension.
 - (d) That the school district will develop an action agenda that provides for a program of inservice training in reading instruction as described in subdivision (e), and that, to the extent feasible and appropriate, includes all of the following:
 - (1) Staff development days authorized pursuant to Section 44670.6.
 - (2) Staff development funds available from all state and federal funding sources.
 - (3) Inservice training provided by publishers of reading program instructional materials adopted by the State Board of Education in 1996.
 - (4) A clinical diagnostic teacher training approach.
 - (5) Involvement of the parents and guardians of pupils enrolled in the school district. in reading instruction that consist of, and are limited to, all of the following subjects:
 - (1) Word-attack skills instruction.

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(2) Spelling and vocabulary instruction.

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- (3) Direct instruction of comprehension skills.
 - (4) Research on how reading skills are acquired.
- (c) That all teachers of pupils in grades 4 to 8, inclusive, who teach in self-contained classes, and the teachers designated pursuant to Section 44759.3, have received or will receive the training provided pursuant to chapter.
- (d) That funds received by school districts for the 10 purposes of this chapter that are expended for contract providers of training shall be spent only for providers of inservice training that have been approved by the State Board of Education pursuant to Section 44759.1.
- (e) That a school district using its own employees to 15 provide the training described in subdivision (b) to its own employees meets the requirements of Section 44759.2.
 - (f) That funds received for the purposes of this chapter shall be spent only for programs of inservice training that do not cause a reduction in pupil instructional time and that do not include teacher release time.
- 44759.1. (a) The State Board of Education 23 develop a list of providers of inservice training in reading instruction that have been approved by the board 25 pursuant to this section. The State Department 26 Education shall provide staff support to the board in carrying out its responsibilities pursuant to this section.
- (b) Any person, or public, private, or private nonprofit 29 entity, that seeks to appear on the list of providers of 30 inservice training in reading instruction that may be hired by a school district pursuant to this chapter, shall submit an application to the board that includes the curricula of the program to provide the34 described in subdivision (b) of Section 44759, in the time 35 and manner required by the board. The board shall 36 approve or disapprove all applications within 45 working days of receipt of the application. The board shall state the any 38 reasons for disapproving application pursuant to this paragraph and any decision of the board

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shall be based upon the criteria published pursuant to subdivision (c).

- (c) The board shall establish by regulation, procedures and criteria for the approval of providers of inservice reading instruction in that meet 6 requirements of subdivision (b) of Section 44759.
- (d) The board shall maintain, update regularly, and 8 make available to school districts through print and electronic media a list of providers of inservice training 10 in reading instruction that have been approved by the board pursuant to this section.
- (e) The board may assess a fee, not to exceed the cost of the approval process, for persons and entities 14 submitting an application for approval of an inservice training program in reading instruction pursuant to this 16 section.
- (f) The board may audit and study the effectiveness of 18 any program of inservice training provided pursuant to this chapter.
 - 44759.2. A school district may provide inservice training in reading instruction to its employees using its own employees as instructors pursuant to this chapter provided the following conditions are met:
- (a) The program of inservice training meets the 25 requirements of subdivision (b) of Section 44759 and the district has incorporated into its program the appropriate and relevant materials developed pursuant to Chapter 15 (commencing with Section 53000) of Part 28.
- (b) The program of inservice training meets the 29 30 requirements of subdivisions (a), (c), (e), and (f) of 31 Section 44759.
- 32 44759.3. Each school district that receives funds 33 pursuant to this chapter and provides instruction in
- 34 departmentalized classes for pupils in any of grades 4 to 35 8, inclusive, shall designate those teachers in each school
- 36 and at each grade level who are responsible for teaching
- 37 reading to pupils who have reading deficiencies, or who 38 provide direct instructional services to pupils in reading.

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Superintendent of Public 44759.4. The Instruction shall administer the grant application process. School district applications shall include the following:

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- (a) Certification by the governing board of the school district that the requirements of Sections 44759, 44759.2, and 44759.3 shall be met.
- (b) A description of how the school district shall 8 address the following:
 - (1) Augmentation of resources for reading instruction staff development through the use of staff development days authorized pursuant to Section 44670.6.
 - (2) Augmentation of resources for reading instruction staff development through the use of funds available from other state and federal sources.
- (3) Augmentation of resources for reading instruction 16 staff development through the use of training provided by publishers that address the subjects contained in subdivision (b) of Section 44759.
 - (4) Use of a clinical diagnostic teacher training approach.
 - (5) Involvement of the parents and guardians of pupils enrolled in the school district.
- 44759.5. (a) The Superintendent Public 24 Instruction shall award grants to school districts only for the highest quality proposals that demonstrate a clear understanding of a balanced, comprehensive instruction program based on current and confirmed research.
 - (b) The maximum grant awarded to a school district shall not exceed the product of the following:
- (1) The total funding provided in the annual Budget Act or in any other act for the purposes of this chapter in 32 any fiscal year divided by the number of pupils enrolled statewide in grades 4 to 8, inclusive, in that fiscal year. 34
- 35 (2) The number of pupils enrolled in the school district 36 in grades 4 to 8, inclusive.
- (c) For purposes of this section, enrollment shall be 37 the enrollment determined in October of the fiscal year 38 for which the funds are appropriated.

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44759.6. For the purposes of this chapter, the 2 *following definitions shall apply:*

- (a) "Word attack skills instruction" means direct 4 instruction of decoding skills and of structural elements, 5 including prefixes, suffixes, and roots.
 - (b) "Direct instruction" means explicit, systematic teaching of skills.
- (c) "Spelling instruction" means teaching a logical 9 scope and sequence of word knowledge, orthographic 10 patterns, and frequently used words connected to the 11 phonics sequence used in reading and writing instruction.
- (d) "Vocabulary instruction" means teaching word 13 *meanings*.
- (e) "Instruction of comprehension skills" means 15 systematic teaching of vocabulary development, 16 organization, and syntactic patterns, including, but not 17 limited to, strategies for interpretation, summarization, 18 prediction, clarification, and question generation.
- (f) "Research on how reading skills are acquired" 19 20 means research that is current and confirmed with 21 generalizable and replicable results.